IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6609 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)
Versus
AJITSINH NATVARSING CHUDASAMA - Respondent(s)

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Appearance :
MR SP HASURKAR for Petitioner(s) : 1,1.2.1
MRS VASAVDATTA BHATT for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 28/12/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner – State of Gujarat has challenged the judgment and order

dated 24.11.1995 passed by the Gujarat Secondary Education Tribunal, Ahmedabad by which, the tribunal has directed the State Government to grant protection to the respondents as surplus teacher as per the Government Resolution dated 21.5.1994.

2. Ms. Maithili Mehta, learned AGP has submitted that during the pendency of the present special civil application, the District Education Officer, Gandhinagar has already passed a further order absorbing the respondents – teacher in another school i.e. Sheth C.M.Highschool, Village Samau, Taluka Mansa, District Gandhinagar. The communication of the District Education Officer, Gandhinagar dated 27.12.2006 is directed to be taken on record.

3. In view of the above and without considering and deciding the larger question on merits as to whether the respondents were entitled to get the protection as per the Government Circular dated 21.5.1994 or not, this Special Civil Application is disposed of as having become infructuous in view of the changed circumstances. With these, the present special civil application is disposed of as having become infructous. Rule is discharged. Ad-interim relief, if any, stands vacated forthwith. No costs.

[M.R.Shah, J.]

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